

Serial No. 10/765,951
Reply to Office Action:
September 1, 2006

Amendments to the Drawings:

The attached drawing sheet showing Figs. 6a, 6b and 6c includes changes to Fig. 6a.

REMARKS

The objection to the drawing has been addressed with the correction to Fig. 6a.

The rejection of Claims 1, 2, 3, 8, 10, 11, 15, 16, 18 and 19 under 35 U.S.C. § 112, ¶ 2 is traversed, and reconsideration is respectfully requested.

Applicants have addressed the corrections to Claims 8 and 15. They cannot agree, however, that the term "basic container", when read in the context of the specification, is indefinite in the eyes of one skilled in the art. It is a basic tenet of patent claim construction that claims are not read in a vacuum but rather through the prism of the accompanying patent specification. The purpose of this principle is not to incorporate limitations from the specification that are not present in the claims but to give life and meaning to the claimed terms.

The rejections of Claims 1, 2, 4, 8, 13, 15, 16, 19 and 20 as being anticipated by DE '266 under 35 U.S.C. § 102(b), of Claims 1, 3, 4 and 17 as being anticipated by Stout also under 35 U.S.C. § 102(b), of Claims 9, 14 and 17 as being unpatentable over DE '266 in view of Molina under 35 U.S.C. § 103(a) and of Claims 10 and 18 as being unpatentable over DE '266 in view of Molina and Stout also under 35 U.S.C. § 103(a) are traversed. Reconsideration of each of these rejections is respectfully requested. Inasmuch as the DE '266 and Stout documents are central to the four rejections, the discussion need be addressed primarily to them in order to simplify the issues and the record.

The Office Action overlooks a salient claimed feature of the present invention, namely that the lifting device is active between the folded-open side wall and an expansion element. This arrangement which is not suggested in either the DE '266 or Stout documents, or for that matter in the Molina patent, provides the lowering and lifting mechanism for the expansion element. That is, the expansion element's lowering and lifting takes place relative to the folded-open side wall.

The DE '266 arrangement contains no such feature. Instead, lifting and lowering takes place by way of slanting steps 55 that descend outwardly on the exterior end of a guide rail 50. Alternatively, the guide rails can be lifting rails, i.e., two parallel stacked partial rails, where the upper rail can be lifted and lowered with respect to the lower partial rail (e.g. via a hydraulic cylinder). In other words, the DE '266 lifting device is active between the guide rail and the expansion element, with the guide rail being the mechanism for lowering and lifting the expansion element, whereas the present invention employs the folded-open side wall of the basic container (that is also used as the roof of the expansion element) for lifting and lowering.

The Stout container structure also contains no such feature. At most, the Stout patent shows a container the expansible portion of which can be folded to expanded condition by a winch device (Fig. 16: drum 124 and cable 121). The inner end of the cable 121 is anchored to the drum 124. The drum 124 is secured to the roof 45 of the basic container. The cable 121 passes from the drum 124 around a pulley 123 secured to the roof 45 of the permanent section (or basic container) and to the and to the inner edge of the floor 26 of the expansible portion where is it anchored. The winch device is active between the basic container and the expansible portion but not between the folded-open side wall 27 and the remainder of the expansible portion.

Thus it should be clear that neither DE '266 or Stout anticipate any of the claims or in hypothetical combination would have rendered the present invention obvious with or without the Molina patent. Accordingly, early and favorable action is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

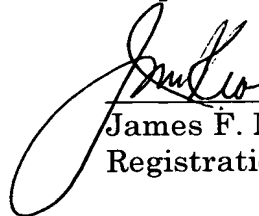
If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

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please charge any deficiency in fees or credit any overpayments to Deposit
Account No. 05-1323 (Docket #101280.53096US).

Respectfully submitted,

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